

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

BLOCKCRUSHR INC.,

Plaintiff,

v.

CONSENSYS INC., CONSENSYS FUND I, L.P.,
CONSENSYS DILIGENCE, INC., CONSENSYS
GP I, LLC, and CONSENSYS VENTURES LLC,

Defendants.

Case No. 20-cv-3134-FB-RLM

**AGREEMENT REGARDING DISCOVERY OF
SOURCE CODE
[PROPOSED] ORDER**

1. PURPOSES AND LIMITATIONS

WHEREAS, BlockCrushr Inc. (“Plaintiff”) and ConsenSys Inc., ConsenSys Fund I, L.P., ConsenSys Diligence, Inc., ConsenSys GP I, LLC, and ConsenSys Ventures LLC (“Defendants,” and together with Plaintiff, the “Parties”) entered into a Stipulated Protective Order concerning the production of source code (ECF No. 15);

WHEREAS the Court entered the Stipulated Protective order on September 21, 2020;

WHEREAS the Stipulated Protective Order originally provided for the production of source code via “inspection on a secured computer in a secured room” in New York; and

WHEREAS the Stipulated Protective Order contemplated that the parties may meet and confer if COVID-19 would prevent such production of source code;

IT IS ACCORDINGLY STIPULATED, by and through undersigned counsel for the parties, subject to the Court’s approval, as follows:

1. The Parties shall be responsible for creating copies of encrypted hard drives containing

their discoverable source code as called for in a request for production or otherwise agreed to by the Parties;

2. The Parties shall ship the hard drives to any counsel or disclosed Expert or Designated House Counsel who have executed the “Acknowledge and Agreement to Be Bound” (as those terms are defined in the Stipulated Protective Order), but shall not be required to ship more than one hard drive per (1) law firm, (2) Expert, or (3) Designated House Counsel from the same Party;
3. Once a Receiving Party obtains the hard drive, it shall maintain a chain of custody and access log document identifying: (1) the date and time when a Receiving Party gained or transferred custody of the hard drive, (2) the date and time when the hard drive is moved to a new address, and (3) the date and beginning and end time when the contents of the hard drive were reviewed and by whom it was reviewed;
4. A Receiving Party may not digitally copy the contents of a hard drive, though this shall not prohibit a Receiving Party from using software or operating system features that make limited, temporary copies of the contents of the hard drive for purposes of accessing, interacting with, or printing the contents of the hard drive consistent with this Order;
5. A Receiving Party may make print outs of “limited portions of source code” for the purposes provided in Section 8(d) of the Stipulated Protective Order provided that the Receiving Party: (1) provides notice to the producing Party of the excerpted source code to be printed, (2) includes line numbers, the file path and name, and “HIGHLY CONFIDENTIAL – SOURCE CODE” confidentiality designation on each page printed, (3) includes a Bates label number on each page printed following one of the

following formats: (a) “BLOCKCRUSHR_SC_#####” for Plaintiff’s source code or
(b) “CONSENSYS_SC_#####” for Defendants’ source code; and (4) produces a
password-protected .pdf file of the printed source code excerpt;

6. The hard drives shall be maintained to ensure the safety and security of the information
contained on the hard drives; and
7. At the conclusion of this Action, the hard drives will be returned to undersigned counsel
for each Party.

Dated: February 23, 2021.

/s/ Kyle W. Roche

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Counsel to Defendants

ORDER

Based on the foregoing, it is

SO ORDERED, this _____ day of _____, 2021.

Roanne L. Mann, United States Magistrate Judge